

REMARKS

Claims 1-18 remain in the application. The actions taken are in the interest of expediting prosecution and with no intention of surrendering any range of equivalents to which Applicants would otherwise be entitled in view of the prior art. Further, no amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references. Reconsideration of this application is respectfully requested.

35 U.S.C. § 103

Claims 1-18 are rejected under 35 U.S.C. § 103 as being unpatentable over Rogerson (U.S. Patent Application Publication No. US 2003/0093798, hereinafter Rogerson) in view of Muller et al (U.S. Patent No. 6,389,468, hereinafter Muller et al.). Claims 1-18 are rejected under 35 U.S.C. § 103 as being unpatentable over Rogerson in view of Macera et al (U.S. Patent No. 5,490,252, hereinafter Macera et al.). Applicants' respectfully traverse the rejection and request reconsideration. It is incumbent upon the Examiner to prove a *prima facie* case of obviousness (MPEP 2143). To establish a *prima facie* case three basic criteria must be met. First, the *prior art references must teach or suggest all the claim limitations*. Second, there must be a reasonable expectation of success. Finally, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference.

The Applicants' respectfully submit that the combination does not provide Applicants' claimed invention. Applicants' independent claim 1 calls for, among other things, an active network, a *vehicle including the active network*, a first device and a second device communicatively coupled by the active network, and a data packet, wherein the data packet has an *active portion*.

Applicants' are providing, along with this response, an Affidavit under 37 CFR 1.132 affirming by one of the inventors, who is also an expert in the field of computing and networking, that an active network is a network in which the nodes can perform custom operations on the contents of the messages that pass through the nodes. An active network does

not require a central server or computing resource. Active network nodes are aware of the contents of the messages transported and can participate in the processing and modification of the messages while they travel through the network. Applicants' further submit that the Affidavit under 37 CFR 1.132 further obviate the Rogerson, Muller et al. and Macera et al. references and their relevance as prior art.

Rogerson teaches an in-flight passenger entertainment system that utilizes a distributed network server architecture. The system taught by Rogerson uses a signal bus (18) and a communication management unit (20) to provide content signals onto the bus to be picked up by a plurality of display units (12) (abstract; page 4, paragraphs 0047 to 0049). As Figures 1-6 clearly show, the entertainment system taught by Rogerson requires a bus and a central management unit to operate. Even the wireless network disclosed by Rogerson requires that one of the network machines be elected as a base station (master) of the network with the other network machines functioning as slaves (page 11, paragraph 012). Applicants' wish to respectfully point out that a distributed network and/or a wireless LAN are not, by themselves an active network. Even though the individual nodes in Rogerson might function as both a server and a client, they still must communicate over the bus and have a central management unit or "master," and therefore are not an active network. The entertainment system taught by Rogerson is a passive network. Rogerson does not teach or suggest the use of a vehicle comprising an active network.

Muller et al. discloses a system and method for distributing the processing of network traffic through a protocol stack on a host computer system (abstract). Muller et al. further discloses a network interface circuit (NIC) is configured to receive and process communication packets exchanged between a host computer system and the Internet. The NIC is configured to receive packets formatted in accordance with a protocol stack supported by a network coupled to the NIC (column 6, lines 34-42). The various nodes in Muller et al. are not aware of, and cannot participate in the processing or modification of, the contents of messages passing through them. Therefore, nowhere does Muller et al. teach or suggest an active network.

Macera et al. discloses a system for exchanging packets between networks (abstract) that includes a series of bridges and routers (column 4, lines 9-12). Macera et al. teaches a central Broadband Enterprise Switch (BES) box and what bridges and routers do internally to route packets among the many connections in the BES. For internal management in the BES, headers

of a packet can be modified to facilitate message forwarding within the BES. This includes converting each received native packet to a packet having a generic format common to all networks connected to the system by modifying the header of the packet (column 2, lines 4-6). When the packets are put back onto the destination networks outside of the BES, the contents of the packets are unmodified. Although Macera et al. modifies the format (header) of a packet to a format generic to all networks, this is not an active network as the content of the message of the packet is not modified. The processors and nodes of Macera et al. are not aware of, and cannot participate in the processing or modification of, the contents of messages passing through them. Therefore, nowhere does Macera et al. teach or suggest an active network as understood by those skilled in the art.

In the 08/05/03 office action, the Examiner agrees with Applicants that neither Muller et al. nor Macera et al. teach a vehicle with an active network or first and second devices communicatively coupled by the active network. As stated in the Applicants' previous responses to office actions, neither Muller et al., nor Macera et al. teach or suggest a vehicle or an active network. As shown above, Rogerson also does not teach or suggest a vehicle with an active network as understood by those skilled in the art. Since none of the above references teaches or discloses an active network, none of the above references can possibly teach or disclose a data packet having an active portion. Contrary to Examiner's statement that all elements are disclosed in the above cited references, applicants claimed elements including: *an active network, a vehicle including the active network, a first device and a second device communicatively coupled by the active network, and a data packet, wherein the data packet has an active portion* are not found in any of the above references, so the rejection is unsupported by the art and should be withdrawn.

Claims 2-18 depend either directly or indirectly from claim 1 and are believed to be allowable over the relied on references for at least the same reasons as claim 1.

Prior Art Not Relied Upon

The references cited but not relied upon are not believed to anticipate or make obvious applicants' invention.

Summary

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

The Applicants believe that the subject application, as amended, is in condition for allowance. Such action is earnestly solicited by the Applicants.

In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicant's attorney or agent at the number indicated below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection.

Accordingly, this application is believed to be in proper form for allowance and an early notice of allowance is respectfully requested.

Please charge any fees associated herewith, including extension of time fees, to 502117.

Respectfully submitted,

SEND CORRESPONDENCE TO:

Motorola, Inc.
Law Department

Customer Number 23330

By:

Kevin D. Wills
Kevin D. Wills
Attorney of Record
Reg. No.: 43,993
Telephone: 602-952-4364
Fax No.: 602-952-4376